IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15636 of 2004

Between:

A.Ramulamma, w/o Anjaiah,
Plot No.9, Sainagar, Medak District, Sanga Reddy.

..... PETITIONER

AND

Authorised Officer, Wizmann Homes Limited,
1st Floor, 6-2-976, Pavani Estate, Opp.Telegraph Office, Khairatabad,
Hyderabad-500 004.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a writ of mandamus, declaring the action of the respondent in not considering payment of amount due in installments and giving paper publication of sale in Vaartha daily dated 5th August, 2004, is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent to collect the amount due after proper calculation in easy monthly installments.

Counsel for the Petitioner: MR. BATHULA RAJ KIRAN

Counsel for the Respondent : Mr. C.S.N.RAJU

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.15636 OF 2004

ORAL ORDER :

The petitioner is aggrieved by the proceedings taken by the respondents for sale of the property in question invoking Section 13 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Admittedly, an alternative remedy of appeal is available under the said Act, and without exhausting the alternative remedy as available under the Statute, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty to the petitioner to work out the appropriate remedy as available under the Statute, the Writ Petition is dismissed. No costs.

06th October, 2004.

Gbs

To

1. Authorised Officer, Wizmann Homes Limited,
   1st Floor, 6-2-976, Pavani Estate, Opp.Telegraph Office, Khairatabad,
   Hyderabad-500 004.

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